

16 RE: PETITION FOR ZONING VARIANCE * BEFORE THE
W/S Sudbrook Lane, 125' S of * ZONING COMMISSIONER
c/1 of Oak Avenue *
204-204A Sudbrook Lane * OF BALTIMORE COUNTY
3rd Election District *
2nd Councilmanic District * Case No. 93-24-A
Gary G. Waitt, et ux *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance for those properties known as 204 and 204A Sudbrook Lane in the Pikesville section of Baltimore County. The Petitioners/property owners request relief from the strict application of Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 30 ft. front yard setback, in lieu of the required 50 ft. front average setback, as more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

One of the Petitioners, Gary G. Waitt appeared, testified and was represented by attorneys, Kathryn T. May and Julius W. Lichter, Esquire. Also appearing and testifying at the hearing was Thomas J. Hoff, the Landscape Architect who prepared the site plan. Jeffrey B. Smith, Esquire and Philip T. McCusker, Esquire appeared in opposition. Collectively, they represent numerous residents of the surrounding locale.

An understanding of the subject property is appropriate. The site is 1.16 acres in net area and is divided into three lots. The front of the property, comprised of lots 1 and 2, abuts Sudbrook Lane. These lots are currently unimproved and are the subject of the requested variance. The Petitioner proposes construction of a single family dwelling on each lot. Lot 3 of the property lies to the rear of the site. It is a larger lot,

.689 acres in area, and is presently improved by a 2-1/2 story structure. Access to this structure is from Oak Avenue.

The Petitioner previously subdivided the property to create these three lots. Further, under case No. 91-333-SPHXA, he appeared before the Deputy Zoning Commissioner, Timothy M. Kotroco, requesting a special exception for the use of lot No. 3 as an Assisted Living Facility for nine beds. Further, certain variances and modifications of residential transition area, buffer and setback requirements were requested. By Mr. Kotroco's Order of October 30, 1991, the subject Petition was granted. It is to be noted that that previous Petition was not contested when it came before the Deputy Zoning Commissioner for consideration. In fact, the Petitioner offered as Exhibit No. 2B a copy of an Agreement and Declaration of Covenants which were executed by the property owners and two community associations from the surrounding locale. These are the Sudbrook Club, Inc. and the Pikesville Township Association, Inc. Within paragraph 11 of the Agreement, it is confirmed that the parties voluntarily and knowingly entered into and consented to the terms of the Agreement. Further, within paragraph 4, it was noted that the Petitioner intended to utilize lots 1 and 2 for construction of two single family detached dwellings in conformity with the architectural style of the existing neighborhood. The Agreement further provided that Sudbrook Club and Pikesville Township Association, Inc. agreed not to oppose plans for the development of the proposed Assisted Living Facility and single family dwellings. However, notwithstanding this Agreement, the associations appeared at the hearing in opposition. As counsel for the Petitioner noted, their appearance might constitute a breach of that Agreement. However, the issue was resolved when the community associations formally dropped their opposi-

tion. However, Messrs. McCusker and Smith continued their opposition to the instant Petition, based upon their legal representation of individual neighbors of the property who were not parties to the Agreement.

As to the evidence presented, testimony was offered by the property owner, Gary G. Waitt. He stated that he has owned the subject property since 1989 and briefly described development of the Assisted Living Facility on lot No. 3. Turning his attention to lots Nos. 1 and 2, he advised that his intent was to develop two single family houses on those lots. They will be compatible to other homes on Sudbrook Lane. However, he has made no definitive plans as to the architectural style of the proposed dwellings.

Also testifying was Thomas J. Hoff, the Landscape Architect who prepared the plan. He also presented a general view of the site in its entirety and the special exception use which has been granted for lot No. 3. He noted that lot No. 1 is approximately .235 acres in area, which translates into a size of 10,253.19 sq. ft. Lot No. 2 is slightly larger, .236 acres or 10,283.66 sq. ft. Both lots are sufficiently sized for a single family dwelling under the relevant provisions of the B.C.Z.R. He also noted that both lots will maintain the prescribed side yard and rear yard setbacks. That is, Petitioner's Exhibit No. 1 shows a building envelope providing a 10 ft. side yard setback for both proposed dwellings as well as a 30 ft. rear yard setback for both lots. These distances are the minimum which must be maintained as they relate to side and rear yard standards. As to the front yard, relief is requested to permit a 30 ft. front yard setback in lieu of the required 50 ft. It is to be noted that the B.C.Z.R. requires an average front yard setback based upon the setbacks of the adjacent properties on either side. In this case, the set-

back for the existing house at 206 Sudbrook Lane is 11 ft. and the setback for 202 Sudbrook Lane is 51 sq. ft. Although the average from these two dwellings is 61 sq. ft., the regulations prescribe a 50 ft. setback as the maximum which must be provided, notwithstanding the average.

Mr. Hoff also testified that strict adherence to the 50 ft. front yard setback would cause practical difficulty to the property owner and severely limit the type of house which would be constructed. Due to the limited depth of the lots, maintaining all relevant setbacks would permit a house with a depth of only 24 ft. Thus, Mr. Hoff believes that the variance requested should be granted in that it would allow a builder with sufficient flexibility to maintain the rear and side yard setbacks, while permitting the construction of a house of comparable architectural style and size with those in the area.

In opposition to the request, several witnesses testified. They included Rebecca Seidman, who lives across the street on Sudbrook Lane. She wants assurance that the architectural style of the proposed dwellings be consistent with other homes on Sudbrook Lane. Mrs. Steven S. Blum who resides immediately next to lot No. 2 at 206 Sudbrook Lane also testified in opposition. She does not want a large structure on lot No. 2 which would visually overwhelm her property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

I am persuaded that the Petitioner has met his burden and shown practical difficulty. Specifically, I am persuaded by Mr. Hoff's testimony that strict adherence to all setback requirements would render the lots unbuildable. That is, if the Petitioner were required to maintain a 50 ft. front yard setback and 30 ft. rear yard setback, the dwelling would be inappropriately narrow and not in keeping with other dwellings in the locale.

It is clear from the testimony that a granting of the variance will not be contrary to the spirit and intent of the B.C.Z.R. and will not result in any injury to the public good. In addition, the requested variance will not cause any injury to the public health, safety and general welfare.

Notwithstanding my conclusion in this regard, however, a concern remains about the compatibility of the proposed dwellings with the existing locale. Specifically, the Zoning Advisory Committee comment from the Office of Planning raises relevant considerations. That office recommends denial of the Petition, as presented, noting that development of the lots with a 30 ft. setback would be inconsistent with other dwellings on Sudbrook Lane. In that office's view, a reduced setback would change the character of this section of Sudbrook Lane.

Under law, I am empowered to impose certain restrictions, to any variance granted, to lessen the impact of said variance on the surrounding locale. I have considered carefully the evidence presented and will, therefore, impose the following restrictions. Although a variance from the 50 ft. standard will be granted, the Petitioner will be required to maintain at least a 40 ft. front yard setback. This additional 10 ft. in distance will lessen the visual impact of the proposed dwellings from Sudbrook Lane. Further, I shall require the Petitioner to maintain a setback of 20 ft. for the side yard of lot No. 1 towards No. 202 Sudbrook Lane; and, for Lot No. 2 a setback of 20 ft. for the side yard which adjoins lot No. 2, towards 206 Sudbrook Lane. That is, the proposed new dwellings must be, at least, 20 ft. from the property line towards those adjacent properties which are already developed. This will provide additional distance between the existing homes and the proposed dwellings, thereby lessening the impact of same. Further, I will require that the Petitioner maintain no more than a 35 ft. rear yard setback. The Petitioner's landscape architect testified that maintenance of a rear yard setback of at least 30 ft. was desirable from a marketing and development standpoint. He specifically noted most houses contain a large rear yard in that that portion of the lot is where residents pursue recreational and leisurely activities. Although that is often the case, it is to be noted that the proposed special exception use lies to the rear of the site. Also, the character of this neighborhood is such that the majority of the homes contain large front yards. Therefore, although large rear yards may be preferable, the existence of the elderly housing facility to the rear of the lots and large front yards of surrounding properties diminish the desirability of maintaining a large rear yard at the expense of the front

yard in this case. Thus, I am persuaded that the proposed dwellings should be no further than 35 ft. to the rear property line to maintain the esthetic appearance of this portion of Sudbrook Lane. Lastly, I shall add a general restriction that the proposed houses be similar in size and architectural character to the existing neighborhood. It is to be noted that the covenants entered between the community association and the Petitioner already require the dwellings to be in conformance with the architectural style of the existing neighborhood.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

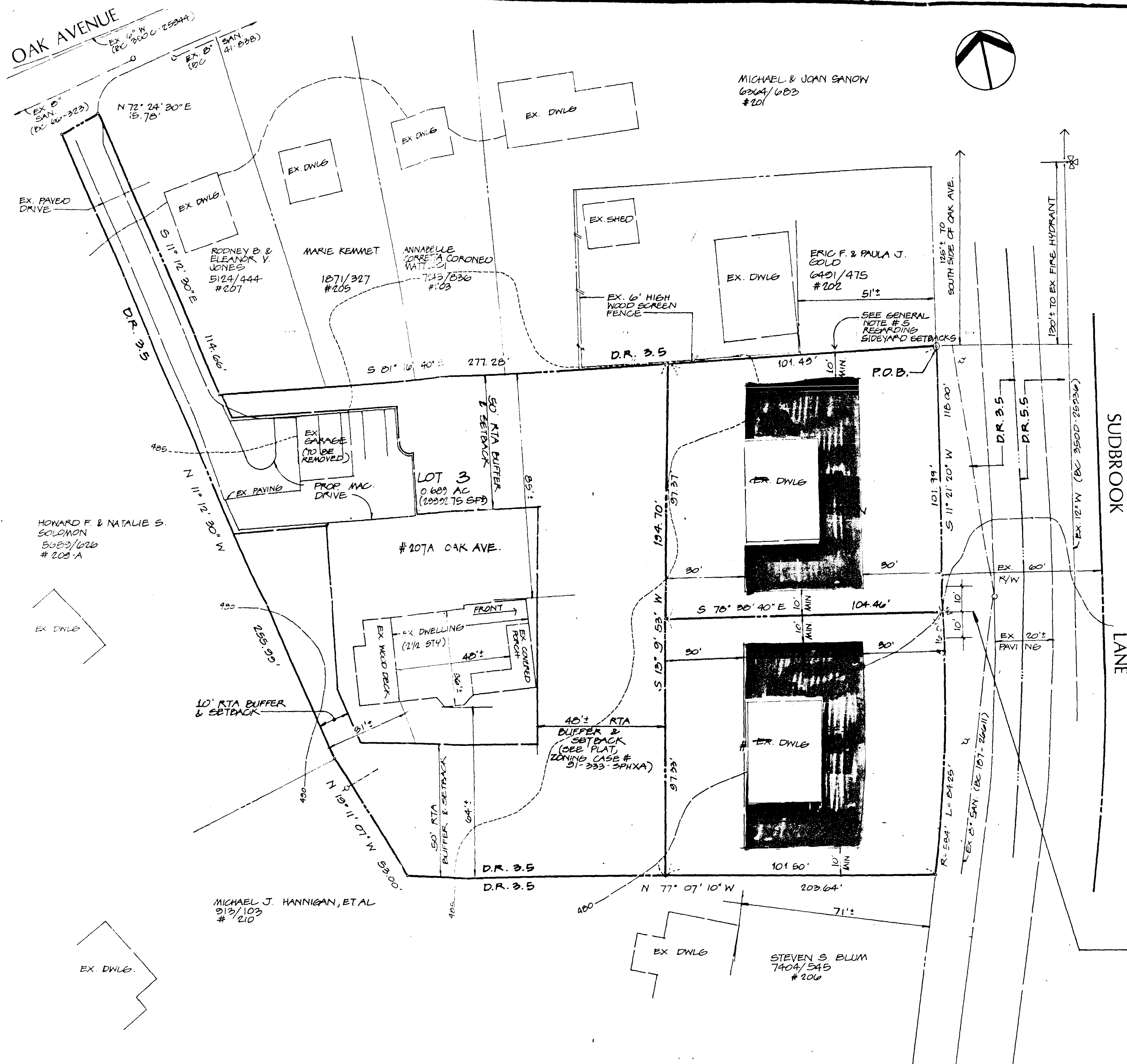
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of Oct., 1992, that a variance from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) in accordance with the Findings of Fact and Conclusions of Law set forth above and Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The minimum front yard setback for both lots No. 1 and No. 2 shall be 40 ft.

3. Lot No. 1 (204 Sudbrook Lane) shall maintain a 20 ft. (minimum) side yard setback on the north side of said lot (adjacent to 202 Sudbrook Lane).
4. Lot No. 2 (204A Sudbrook Lane) shall maintain a 20 ft. (minimum) side yard setback to the south side of said lot (adjacent to 206 Sudbrook Lane).
5. The proposed dwellings on lots Nos. 1 and 2 shall maintain a setback of no greater than 35 ft. to the rear property line.
6. Any dwellings constructed on lot No. 1 and/or lot No. 2 shall be in conformity with the architectural style and size within the existing neighborhood, and construction elevation plans for said dwellings shall be submitted to the Zoning Commissioner for approval prior to the issuance of any building permits.

LES/mnn

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County



SOIL TYPES & LIMITATIONS
 SOIL SERIES
 LEGEND: LHD
 (URBAN LAND COMPLEX)
 HYDRO CLASS: C
 BLOOD IN BASEMENTS: SLIGHT
 BLOOD W/O BASEMENTS: SLIGHT
 PARKING: MODERATE - SLOPE

- GENERAL NOTES**
- TOPOGRAPHY SHOWN ON THIS PLAN TAKEN FROM BALTIMORE COUNTY 200' SCALE TOPOGRAPHIC MAPS.
 - PROPERTY OUTLINE PREPARED BY VITTI, REBEL & ASSOCIATES, INC., DATED 2/26/92.
 - THERE ARE NO EXISTING STREAMS, WETLANDS, CRITICAL AREAS OR 100 YEAR FLOODPLAINS/FLOOD AREAS ON SITE.
 - STORMWATER MANAGEMENT IS NOT REQUIRED.
 - SUM OF SIDEYARD SETBACKS TO BE A MINIMUM OF 25 FEET.

ZONING HISTORY CASE NO. 91-333-SPHXA

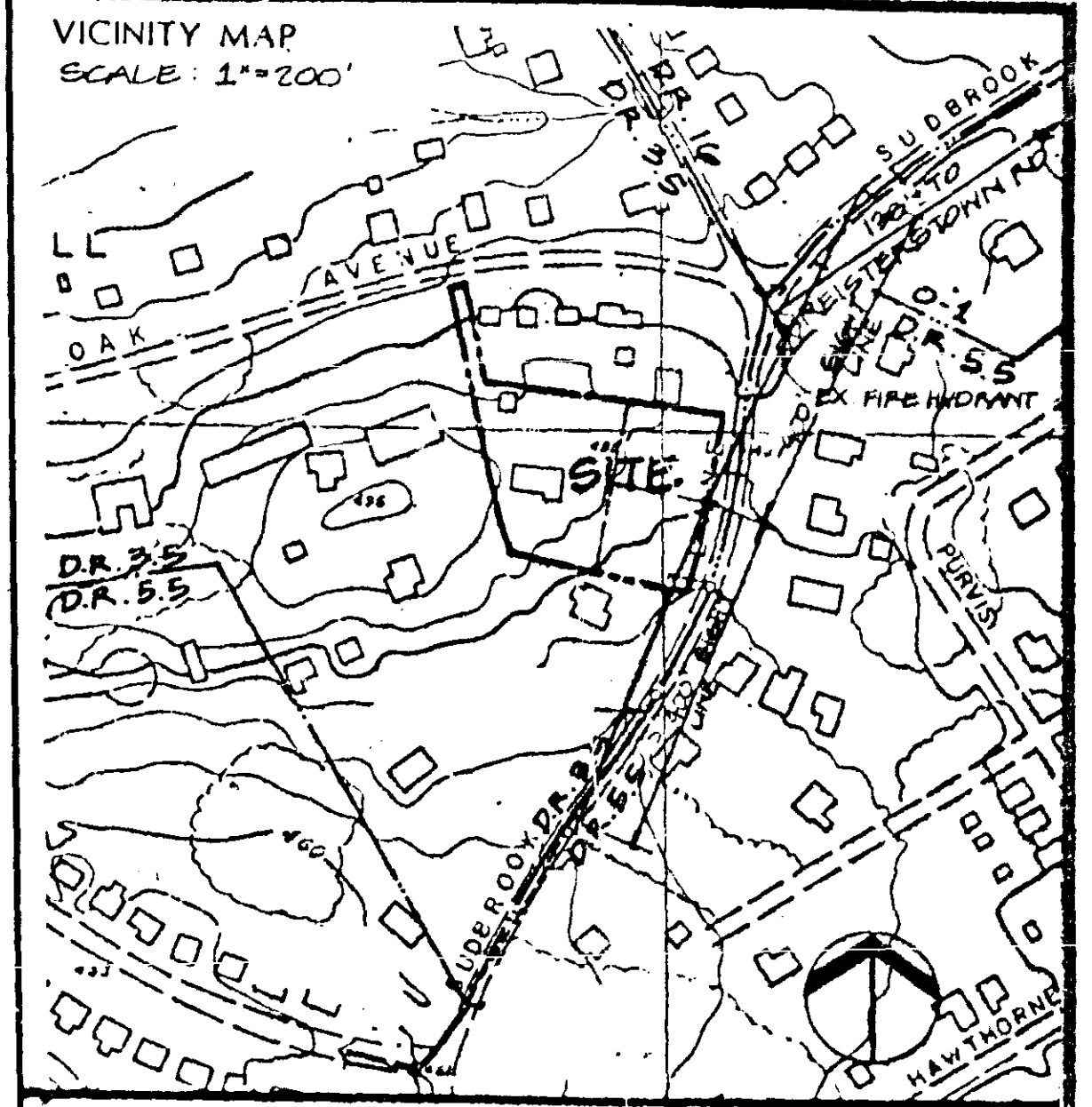
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of October, 1991 that the Petition for Special Exception to use the subject property as an assisted living facility for nine (9) beds, pursuant to Section 432.1.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), and to permit a modification of the Residential Transition Area (RTA) buffer and setback requirements, which are provided to the extent possible, pursuant to Section 432.4 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions listed below; and:

IT IS FURTHER ORDERED that the Petition for Variance from Sections 301.1 and 1802.2.B of the B.C.Z.R. and from Section V.B.2 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit an existing open projection (deck) on the rear of the existing building with a rear yard setback of 10 feet in lieu of the minimum required 22.5 feet, and from Section 1802.2.B of the B.C.Z.R. and Section V.B.2 of the C.M.D.P. to permit a rear yard setback of 25 feet in lieu of the required 30 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Prior to the issuance of any permits, Petitioners shall submit a landscaping plan for approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. A copy of the approved plan shall be submitted to the Zoning Commissioner's office for final review and inclusion in the case file.
- The agreement and declaration of covenants entered into between the Petitioners and the Pikesville Township Association, Inc. and the Sudbrook Club, Inc. shall be incorporated into this Order and enforceable as a part of this Order.
- The relief granted herein is limited to the Petitioners operating an assisted living facility for up to and including nine (9) beds only. Petitioners agree and consent to allow a representative of the Zoning Enforcement Division of Baltimore County to enter the premises and perform an inspection regarding the total number of residents living at this facility.
- In the event the Petitioners, their heirs, their successors or assigns, or any future transferees of the property located adjacent to Sudbrook Lane containing 21,234 sq. ft. more or less, and specifically marked "not part of the special exception" on Petitioner's Exhibit 1, shall construct single family dwellings on this parcel, there shall be no operation whatsoever of any elderly housing facility on this parcel. This would also include an alternate living unit, or any other type of institutional use.
- When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this order.

IT IS FURTHER ORDERED that the Petition for Special Hearing in the above-captioned matter be and the same is hereby DISMISSED without prejudice.

COMMON ACCESS TO LOTS 1 & 2



SITE DATA

GRASSY ACRES	1.31 AC. (57,000.6 SF)
NET ACRES	1.16 AC. (50,529.6 SF)
LOT 1 ACRES	0.239 AC. (10,253.19 SF)
LOT 2 ACRES	0.236 AC. (10,283.66 SF)
LOT 3 ACRES	0.613 AC. (26,562.75 SF)
EXISTING ZONING	D.R. 3.5
ADJACENT ZONING	D.R. 3.5
EXISTING USE	ASSISTED LIVING FACILITY - 9 BEDS
PROPOSED USE	ASSISTED LIVING FACILITY - 9 BEDS & SINGLE FAMILY RESIDENTIAL

* ZONING CASE NO. 91-333-SPHXA

PLAT TO ACCOMPANY PETITION FOR VARIANCE

OUR HOUSE AT SUDBROOK
 204 SUDBROOK LANE

COUNCILMANIC DISTRICT NO. 2
 ELECTION DISTRICT NO. 2
 BALTIMORE COUNTY, MD.

REVISIONS:	SCALE: 1"=20'
	DATE: 9/20/92
	JOB NO.: 129/02
	DESIGNED: TJH
	DRAWN: JAU
	CHECKED: TJH
	DRAWING NUMBER:

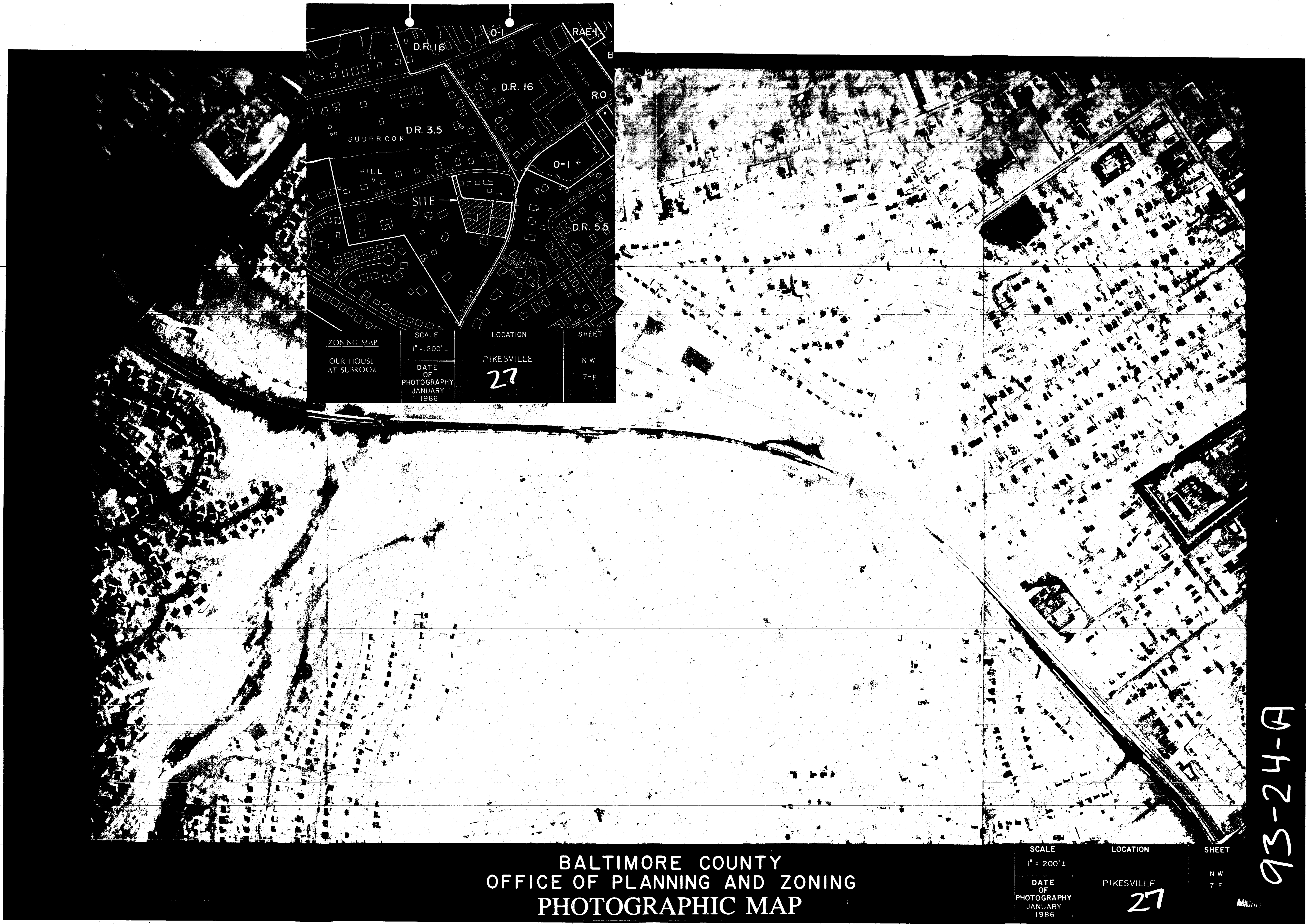
HOFF & ANTONUCCI ASSOCIATES
 Land Development Consultants and Landscape Architects
 1717 York Road • Suite 10 • Lutherville, MD 21093
 301-628-9225 • Fax 301-628-9229

DRAWING NUMBER:
 SP-1

SHEET 1 of 1

Protestant No 2

OWNER/APPLICANT
 GARY G. & ILLENE WAITT
 3415 FALLSTAFF RD
 BALTIMORE, MD. 21215
 (410) 358-6320
 DEED REF: B443/473
 TAX ACCT. NO.: 03-10-085644



ZONING MAP
OUR HOUSE
AT SUBBROOK

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
PIKESVILLE
27

SHEET
N.W.
7-F

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
PIKESVILLE
27

SHEET
N.W.
7-F

93-24-A

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 6, 1992

Julius W. Lichter, Esquire
Kathryn T. Ray, Esquire
Levin and Gann
305 W. Chesapeake Avenue
Suite 113
Towson, Maryland 21204

RE: Case No. 93-24-A
Petition for Zoning Variance
Gary G. Waitt, et ux, Petitioners

Dear Mr. Lichter and Mrs. May:

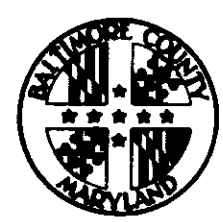
Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:rmn
att.
cc: Mr. Thomas J. Hoff
cc: Pikeville Township Assn., Inc.
cc: Philip T. McCusker, Esquire
cc: Jeffrey B. Smith, Esquire
cc: Rebecca Seidman



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 204 & 204A Sudbrook Lane, Pikesville
which is presently zoned DR-3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

303.1 to permit a 30 feet front yard setback in lieu of the required 50 feet front average setback.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Strict compliance with Section 303.1 would render the lots unbuildable; additional reasons which will be presented at the public hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City State Zip

Attorney for Petitioner:

(Type or Print Name)

Julius W. Lichter, Esq.

305 W. Chesapeake Avenue

Suite 113 321-0600

Towson, MD 21204

City State Zip

I/We do solemnly declare and affirm, under the penalties of perjury, that true and correct legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Gary G. Waitt

Ilene S. Waitt

3415 Fallstaff Road (358-6326)

Baltimore, MD 21215

City State Zip

Name, Address and phone number of legal owner, contact purchaser or representative to be contacted.

Julius W. Lichter, Esq.

305 W. Chesapeake Ave (321-0600)

Towson, MD 21204

City State Zip

OFFICIAL USE ONLY

ESTIMATED LENGTH OF HEARING

1 hr

Available for Hearing

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DATE 10/10/92 BY 60 OTHER DATE

July 20, 1992

Description of "OUR HOUSE AT SUDBROOK", 204 Sudbrook Lane, to Accompany Petition for Front Yard Setback Variance.

BEGINNING FOR THE SAME AT A POINT on the west side of Sudbrook Lane (60' R/W) at a distance of 125 feet south of the intersection of the west side of Sudbrook Lane with the south side of Oak Avenue, Thence leaving said point of beginning and binding on the westside of Sudbrook Lane, the following courses and distances, viz:

- (1) South 11 degrees 21 minutes 20 seconds West 118.00 feet;
- (2) by a curve to the right with a radius of 584.00 feet and an arc length of 84.25 feet;
- (3) North 77 degrees 07 minutes 10 seconds West 101.50 feet;
- (4) North 13 degrees 09 minutes 53 seconds East 194.70 feet;
- (5) South 81 degrees 16 minutes 40 seconds East 101.49 feet; to the point of beginning containing 0.471 acres of land more or less, also to be known as "Lot 1" and "Lot 2", Minor Subdivision.

Note:
This Description has been prepared for zoning purposes only.



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3-2 Date of Posting: 7/20/92

Posted for: 60 days

Petitioner: Gary G. Waitt, Ilene S. Waitt

Location of property: 204 & 204A Sudbrook Lane (Our House at Sudbrook)

Location of Sign: 3415 Fallstaff Road, Baltimore, MD 21215

Remarks:

Posted by: Lawrence E. Schmidt

Number of Signs: 1

CERTIFICATE OF PUBLICATION

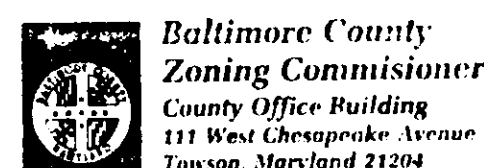
TOWSON, MD. Aug 7, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug 6, 1992.

THE JEFFERSONIAN,

S. Zake Publisher

Case #93-24-A (Item 27)
4/5 Sudbrook Lane, 125' S of c/l Oak Avenue
204 and 204A Sudbrook Lane (Our House at Sudbrook)
3rd Election District - 2nd Councilmanic
Petitioner(s): Gary G. Waitt and Ilene S. Waitt
HEARING: THURSDAY, SEPTEMBER 10, 1992 at 2:00 p.m. in Rm. 118, Old Courthouse.
Variance to permit a 30 foot front yard setback in lieu of the required 50 foot front average setback.



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: 7/20/92
VARIANCE
204 & 204A Sudbrook Lane
4/5 Sudbrook Lane 125' S of Oak Ave

Account: R-001-6150

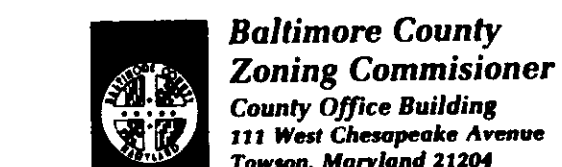
Number

Please Make Checks Payable To: Baltimore County
BA 000314FPH07-20-92

Cashier Validation

receipt

receipt



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: 7/27/92
PAID PER HAND-WRITTEN RECEIPT DATED 7/20/92

Account: R-001-6150

Number

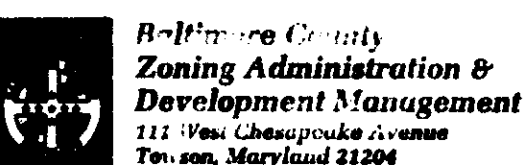
H9300027

PUBLIC HEARING FEES	QTY	PRICE
010 -ZONING VARIANCE (IRL)	2 X	\$50.00
TOTAL:		\$100.00

LAST NAME OF OWNER: WAITT

Please Make Checks Payable To: Baltimore County

Cashier Validation



Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Date

9/21/92

Account: R-001-6150

Number

H9300052

PUBLIC HEARING FEES	QTY	PRICE
060 -POSTING SIGNS / ADVERTISING	1 X	\$67.62
TOTAL:		\$67.62

LAST NAME OF OWNER: WAITT

0H04H0036N1CHRC
003159PH09-21-92 \$67.62

Please Make Checks Payable To: Baltimore County

Cashier Validation

receipt

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Date: 8/10/92

Gary G. Waitt and Ilene S. Waitt
3415 Fallstaff Road
Baltimore, Maryland 21215

RE:
CASE #93-24-A (Item 27)
4/5 Sudbrook Lane, 125' S of c/l Oak Avenue
204 and 204A Sudbrook Lane (Our House at Sudbrook)
3rd Election District - 2nd Councilmanic
Petitioner(s): Gary G. Waitt and Ilene S. Waitt
HEARING: THURSDAY, SEPTEMBER 10, 1992 at 2:00 p.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 67.62 is due for advertising and posting of the above captioned property and hearing data.

THIS FEE MUST BE PAID AND THE HEARING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Please enclose the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Carl John

ANNELO JARLON
DIRECTOR

cc: Julius W. Lichter, Esq.

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 30, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE #93-24-A (Item 27)
4/5 Sudbrook Lane, 125' S of c/l Oak Avenue
204 and 204A Sudbrook Lane (Our House at Sudbrook)
3rd Election District - 2nd Councilmanic
Petitioner(s): Gary G. Waitt and Ilene S. Waitt
HEARING: THURSDAY, SEPTEMBER 10, 1992 at 2:00 p.m. in Rm. 118, Old Courthouse.

Variance to permit a 30 foot front yard setback in lieu of the required 50 foot front average setback.

Lawrence E. Schmidt
Zoning Commissioner of
Baltimore County

cc: Gary and Ilene Waitt
Julius W. Lichter, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

September 2, 1992 (410) 887-3353

Julius W. Lichter, Esquire
105 W. Chesapeake Avenue
Suite 113
Towson, MD 21204

RE: Item No. 27, Case No. 93-24-A
Petitioner: Gary G. Waitt, et ux
Petition for Variance

Dear Mr. Lichter:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 30th day of June, 1992

Received By:
W. Carl Richards Jr.
Chairman
Zoning Plans Advisory Committee

Petitioner: Gary G. Waitt, et ux
Petitioner's Attorney: Julius W. Lichter

Printed on Recycled Paper

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature: *Denise A. Kennedy* Date: 8/10/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Raymond F. And Deborah D. Borsetti	25		8-3-92 NC
DED DEPRM RP STP TE			
✓ Robert L. And Jeannette McElroy	26		NC
DED DEPRM RP STP TE			
✓ Gary G. And Ilene S. Waitt	27		NC
DED DEPRM RP STP TE			
✓ Bruce P. And India Y. Curry	6		NC
DED DEPRM RP STP TE			
✓ Herbert B. And Edith G. Querido	7		NC
DED DEPRM RP STP TE			
✓ Emma E. Hubbard	8		NC
DED DEPRM RP STP TE			
✓ Arthur Thomas Ward, III	9		NC
DED DEPRM RP STP TE			

COUNT 14
FINAL TOTALS
COUNT 17
*** END OF REPORT ***

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: August 24, 1992

SUBJECT: Our House at Sudbrook

INFORMATION:
Item Number: 27

Petitioner: Gary G. Waitt

Property Size: 1.31 acres

Zoning: DR 3.5

Requested Action: Variance

Hearing Date: 11/1/92

SUMMARY OF RECOMMENDATIONS:
This petitioner is requesting a variance to allow a front yard setback of 30' in lieu of the required 50' front average setback.

The Office of Planning and Zoning recommends that the petitioner's request be **DENIED**.

The Master Plan 1989-2000 designates Sudbrook Park as a "Community Conservation Area" which means that all new subdivisions or construction should be compatible with the existing residential structures. In order to adhere to the policies of the Master Plan this office cannot support a front yard setback of 30 feet when the adjacent residences are setback 51 feet and 71 feet. The minimum setback is 50 feet and the average front yard setback would be 61 feet. In our opinion, this reduced setback would definitely change the character of this section of Sudbrook Lane.

Prepared by: *Emm McDaniel*

Division Chief: *Emm McDaniel*

FM/EMCD:rdn

27.ZAC/ZAC1

RECEIVED
AUG 26 1992
ZONING DEPT

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: August 5, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: August 3, 1992

ITEM NUMBER: 27

The existing access off Oak Avenue needs to be widened to a 14 ft. paved section.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/rb

RECEIVED
AUG 11 1992
ZONING OFFICE

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500 (410) 887-4500

AUGUST 6, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: GARY G. WAITT AND ILENE S. WAITT
Location: #204-204-A SUDBROOK LANE
Item No.: 27 (LJG) Zoning Agenda: AUGUST 3, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Pat Keller* Noted and Approved
Planning Group
Special Inspection Division Fire Prevention Bureau

JP/KEK

RECEIVED
AUG 10 1992
ZONING OFFICE

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature: *Walter D. ...* Date: 8/10/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Elise Boyce Kelsey, Trustee u/w Eliza Gillet Boyce Et Al	24		8-3-92
DED DEPRM RP STP TE		No Comment	
✓ Raymond F. And Deborah D. Borsetti	25		No Comment
DED DEPRM RP STP TE			
✓ Robert L. And Jeannette McElroy	26		No Comment
DED DEPRM RP STP TE			
✓ Gary G. And Ilene S. Waitt	27		No Comment
DED DEPRM RP STP TE			
✓ Bruce P. And India Y. Curry	6		No Comment
DED DEPRM RP STP TE			
✓ Herbert B. And Edith G. Querido	7		No Comment
DED DEPRM RP STP TE			
✓ Emma E. Hubbard	8		No Comment
DED DEPRM RP STP TE			
✓ Arthur Thomas Ward, III	9		No Comment
DED DEPRM RP STP TE			

COUNT 14
FINAL TOTALS
COUNT 19
*** END OF REPORT ***

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: September 10, 1992

SUBJECT: Our House at Sudbrook

INFORMATION:
Item Number: 27

Petitioner: Gary G. Waitt

Property Size: 1.31 acres

Zoning: DR 3.5

Requested Action: Variance

Hearing Date: 11/1/92

SUMMARY OF RECOMMENDATIONS:
This petitioner is requesting a variance to allow a front yard setback of 30' in lieu of the required 50' front average setback.

The Office of Planning and Zoning recommends that the petitioner's request not be approved for a minimum setback of 30 feet. However, the Office of Planning and Zoning recommends that the minimum setback be at least 45 feet.

The Master Plan 1989-2000 designates Sudbrook Park as a "Community Conservation Area" which means that all new subdivisions or construction should be compatible with the existing residential structures. In order to adhere to the policies of the Master Plan this office cannot support a front yard setback of 30 feet when the adjacent residences are setback 51 feet and 71 feet. The minimum setback is 50 feet and the average front yard setback would be 61 feet. In our opinion, this reduced setback would definitely change the character of this section of Sudbrook Lane.

Prepared by: *Francis Monahan*

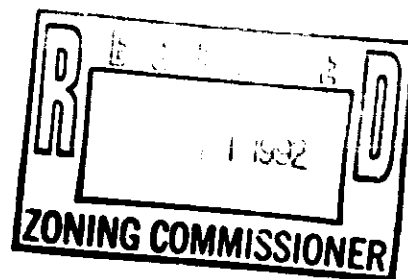
Division Chief: *Emm McDaniel*

EMCD/PM:rdn

27.ZAC/ZAC1

214 Sudbrook Lane
Pikesville, Maryland
21208
September 8, 1992

Mr. Larry Schmidt
Zoning Commissioner
Room 113
400 Washington Avenue
Towson, Maryland 21204



Dear Mr. Schmidt,

I am writing to you on behalf of myself and my Mother, Erma K. Cox. We are residents of 214 Sudbrook Lane in Pikesville and have lived there for 45 years.

Last year a Zoning Exception was requested for the property at 204 Sudbrook Lane. Being very interested in our Community we took an avid interest in the request and subsequent hearing and believed as the Community did that we would agree to the Exception since the Owners of the 204 Sudbrook property were willing, if they chose to subdivide the front parcel of the property, would conform to the general character of the Community. Now they are requesting a variance for a 30' setback versus the required 50'.

This property is 3 lots up the street from our home. All of the homes on this side of the street are a minimum of 50 feet from the street. Our home has a 70' setback and the home next to us is further back than we are. This street has a beautiful character to it with the spacious fronts which the early developers of Sudbrook Lane wisely chose.

My Mother and I would sincerely request that you deny this request for the variance in order to continue the character of our Community.

Sincerely,

Mary Louise Cox

Erma K. Cox



Old Court House
400 Washington Ave.
Towson, Md. 21204

Dear Zoning Commissioners:
My husband and I live at 206 Sudbrook Lane. We are directly next door to the property at 204 Sudbrook Lane, which is in question today. Please consider that we are very much opposed to the granting of a change in setback regulations. We are the homeowners and taxpayers who have lived here for seventeen years under the present zoning law. Our house is 71' from the street. We would find it hardly offensive to face the back of someone's house. It would be most unfair for us to suffer as a result of changing the variance. We are also concerned about other

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Pikesville Township Assoc, Inc.	4 Sudbrook Lane, Pikesville, Md. 21208
Philip T. McCusker	236 Church Lane, Pikesville 21208
Rebecca K. Spidman	4 Sudbrook Lane, Pikesville 21208
William R. Flanagan	215 Church Lane, Pikesville 21208
Jeffrey B. Smith	607 Sudbrook Road 21208

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Julius W. Lichter	204 Sudbrook Lane, Pikesville
Henry W. Schwartz	305 W. Chesapeake Avenue
Thomas J. Hoff	1717 York Rd 21097
Kellyn T. May	Kevin & Karen 305 W Chesapeake

PETITIONER'S
EXHIBIT No. 28

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION AND VARIANCE - * DEPUTY ZONING COMMISSIONER
W/S Sudbrook Lane, 125' S of
Oak Avenue (204 Sudbrook Lane) * OF BALTIMORE COUNTY
3rd Election District * Case No. 91-333-SPHXA
2nd Councilmanic District
Gary G. Waitt, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception to use the subject property for an assisted living facility of nine (9) beds, pursuant to Section 432.1.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a modification of the Residential Transition Area (RTA) buffer and setback requirements, which are provided to the extent possible, pursuant to Section 432.4 of the B.C.Z.R. Petitioners also request a variance from Sections 301.1 and 1802.2.B of the B.C.Z.R. and from Section V.B.2 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit an existing open projection (deck) on the rear of the existing building with a rear yard setback of 10 feet in lieu of the minimum required 22.5 feet, and from Section 1802.2.B of the B.C.Z.R. and Section V.B.2 of the C.M.D.P. to permit a rear yard setback of 25 feet in lieu of the required 30 feet, all as more particularly described on Petitioner's Exhibit 1. The Petitioners also requested a special hearing which was dismissed prior to the hearing on motion by Julius W. Lichter, Esquire, attorney for Petitioners.

The Petitioners, Gary G. and Illene S. Waitt, appeared, testified and were represented by Julius W. Lichter, Esquire. Also appearing on behalf of the Petitioners were Henry Schwartz, David N. Pessin, Bernie Semon, and Robert and Trina Jacobs. Appearing as Protestants in the matter

Timothy M. Kotrocco
Deputy Zoning Commissioner
111 W. Chesapeake Ave. 18. 123
Towson, Md. 21204
C-12-# 73-244

Dear Timothy Kotrocco,
Reference is made to a zoning hearing to be held on Sept. 10, 1992 at 2 P.M. which deals with the request of Gary G. Waitt for a variance from 50ft. to 30ft. as to the front building line at 204 Sudbrook Lane.
What's ridiculous about this whole thing is, that here we are again! On October 30, 1991 we signed a covenant to end this two year long misery of the Waitts intrusion upon our neighborhood. Figuring, under duress, we would settle this money making entrepreneur's quest, who hilariously wants to develop a 1 acre lot with an already existing mansion-like house, in an already old established neighborhood. Now he has the audacity, to reappear upon the board, asking to change the already established county law of (50ft. to 30ft) and infringe on our covenant. Dragging us all again, the neighborhood associations, and residents from their work, and just making a nuisance of himself.
You yourself (Deputy Zoning Commissioner Timothy Kotrocco) said, "I will personally enforce any covenants that the associations & Waitts agree upon." This put us a little more at ease in signing any covenants with the Waitts. We gave him his business now let's stick to the rules.
Anything other than a 50ft. set back would create a very undesirable place to live, for the prospective new owners and Old. I for one, (202 Sudbrook Lane) do not want someone's backyard in my front yard.
The people living on Sudbrook Lane would agree that due to the traffic that travels our road, 50ft. would be the absolute minimum tolerable. Adjacent houses are as follows: (202 Sudbrook and 206 Sudbrook). Our home (202 Sudbrook) has a 63ft. set back. Steve & Sherri Blum's home (206 Sudbrook) has a 70ft. set back. The traffic is very annoying to us all. Mr. Waitt does not live on Sudbrook Lane so he is not familiar with the traffic. I'm sure he would like to be able to sell these homes after they are built, so it would be in his best interest to make it livable and set it back.
Most important of all however, if the two houses are to conform to the existing neighborhood, they should both have the following characteristics:
(1) The construction of the homes should be done in a traditional Colonial or Cape Cod (preferably with dormers), and having dimensions typical of houses built in the 40's or earlier. Not the 80's or 90's.
(2) They should consist of a complete white wooden siding on all four sides, (no mixture combinations ex: siding and brick). Preferably with black shutters.
(3) The roof should consist of either slate, cedar, or at least a black asbestos of some sort.
(4) The two houses should not be any deeper or wider than the houses adjacent to them.
(5) Back and front yards should be sized compatible to existing and adjacent houses.

(1)

(2)

(6) Houses should be well shrubbed on both sides of adjacent houses with an evergreen screen. (Brought out in the covenant). Any construction other than this, would only stand out as an eyesore and deface our neighborhood.

Thank you,
Eric & Paula Gold

PETITIONER'S
EXHIBIT No. 28

AGREEMENT AND DECLARATION OF COVENANTS

THIS AGREEMENT AND DECLARATION OF COVENANTS (hereinafter called the "Agreement") made this 7th day of October, 1991, by and between GARY G. WAITT and ILLENE S. WAITT (hereinafter called "Owner") and THE SUDBROOK CLUB, INC. (hereinafter called the "Club"), and PIKESVILLE TOWNSHIP ASSOCIATION, INC. (hereinafter called the "Association").

WHEREAS, the Owner is the owner of certain real property containing 1.4 acres of land, more or less, acquired by Deed dated March 13, 1990 and recorded among the Land Records of Baltimore County in Liber S.M.No. 8443 folio 473 and located in Pikesville, in the 3rd Election District of Baltimore County, Maryland, being known as 204 Sudbrook Lane, Pikesville, Maryland 21208 (hereinafter called the "Property"); and

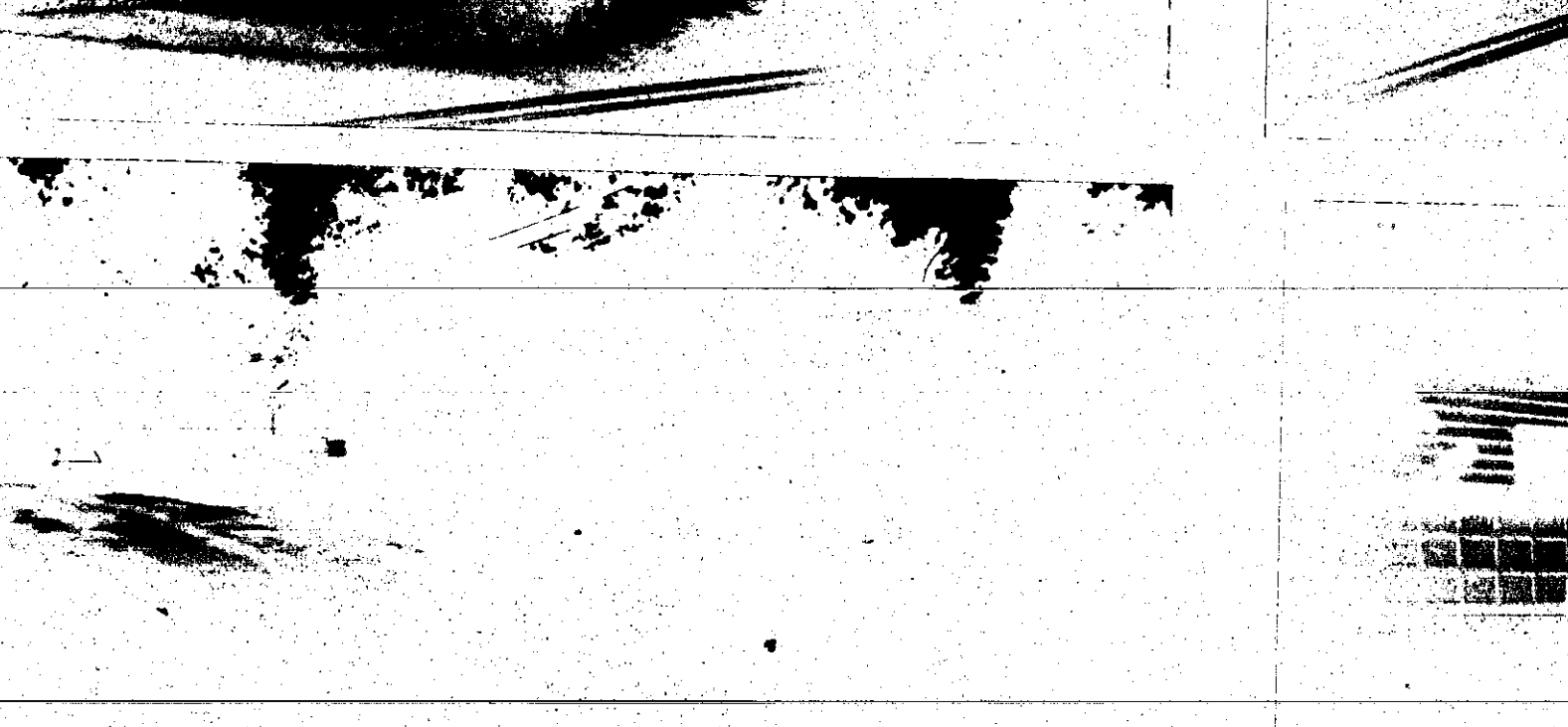
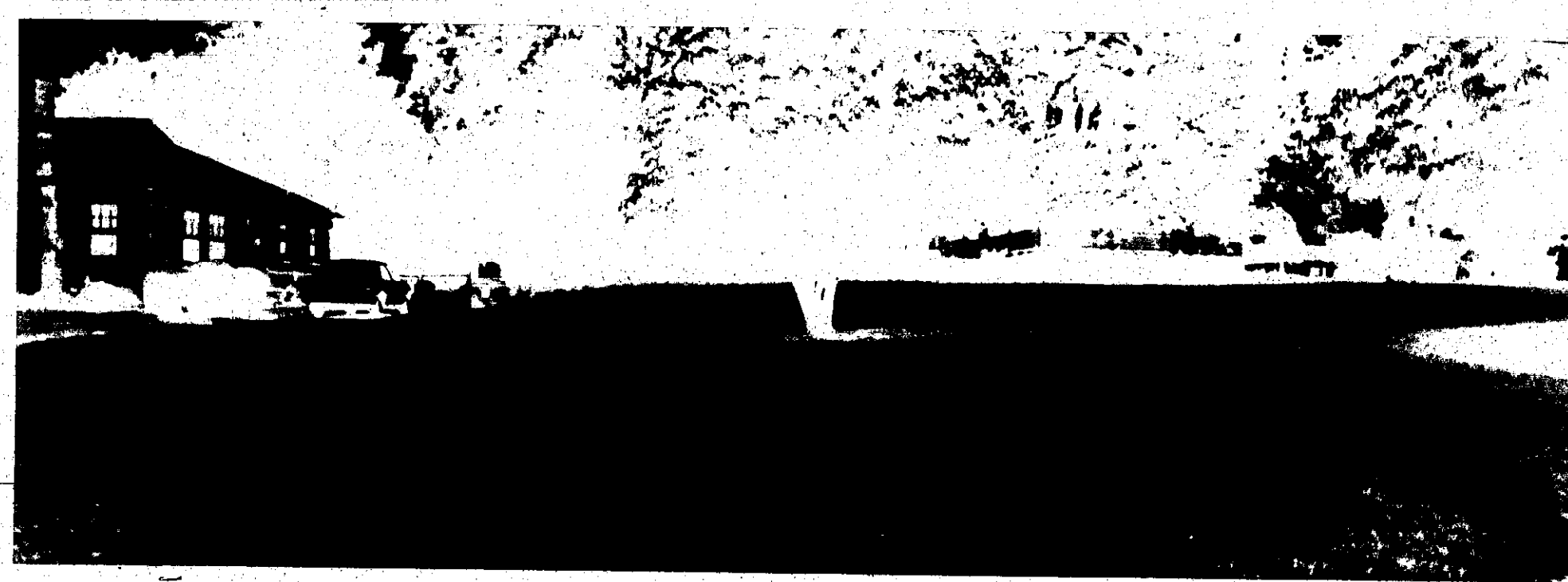
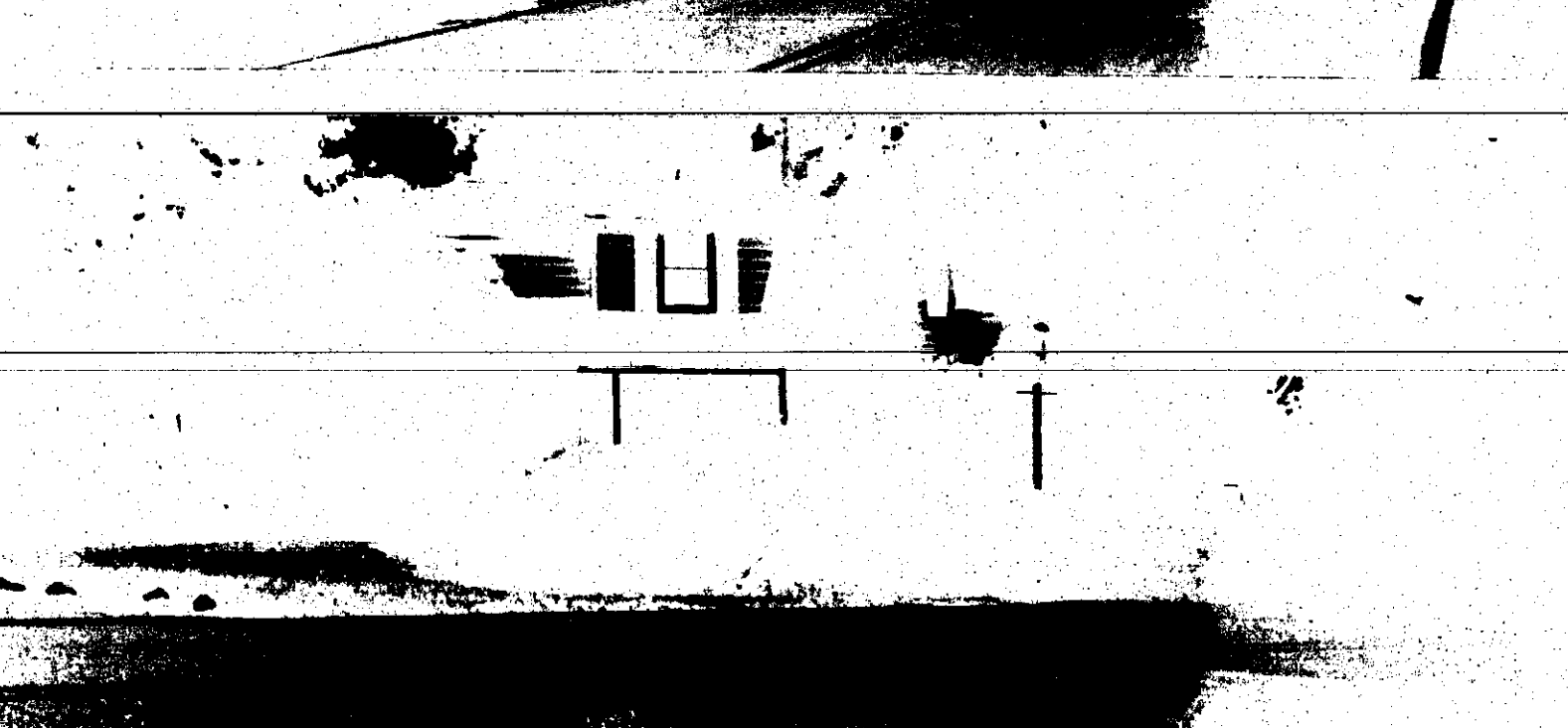
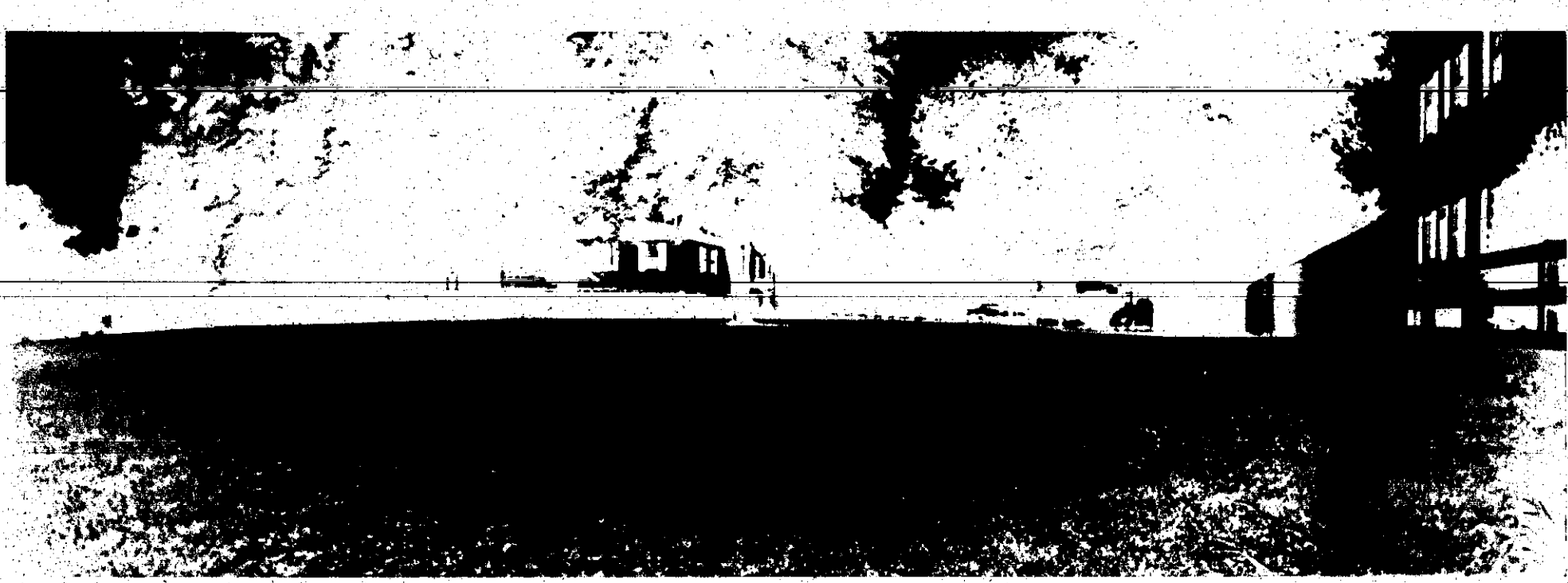
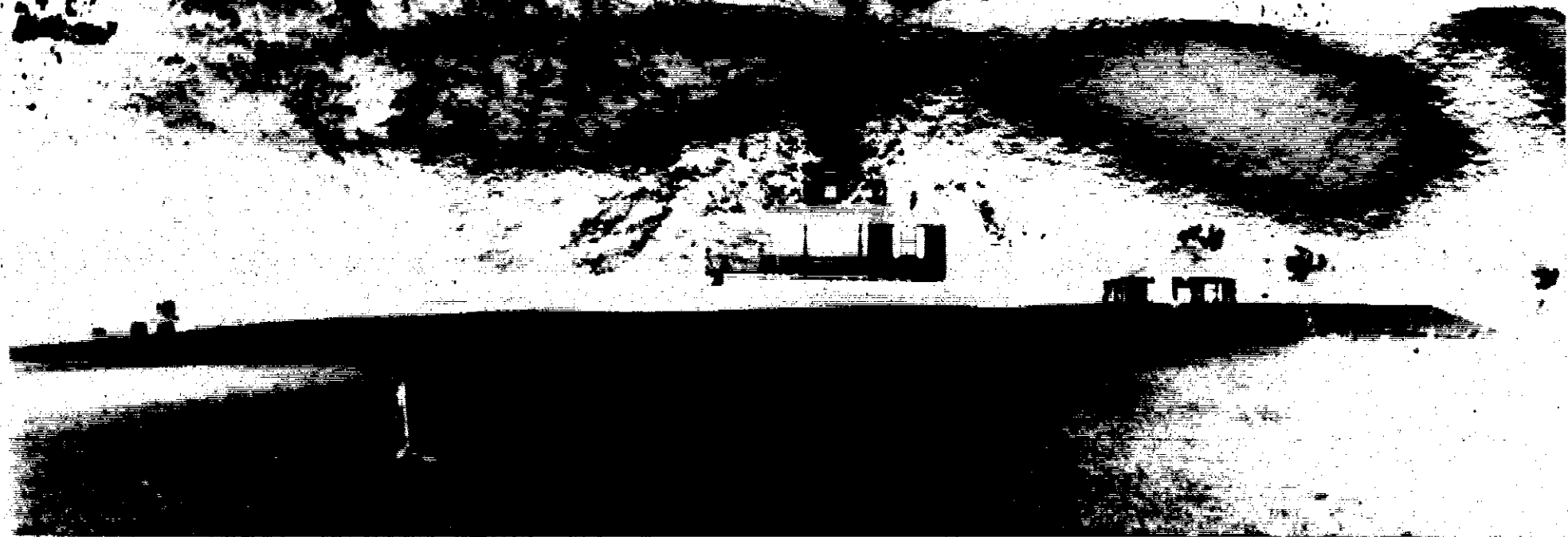
WHEREAS, the Club is a community association representing residents in the area of Baltimore County, Maryland, known as Sudbrook Park; and

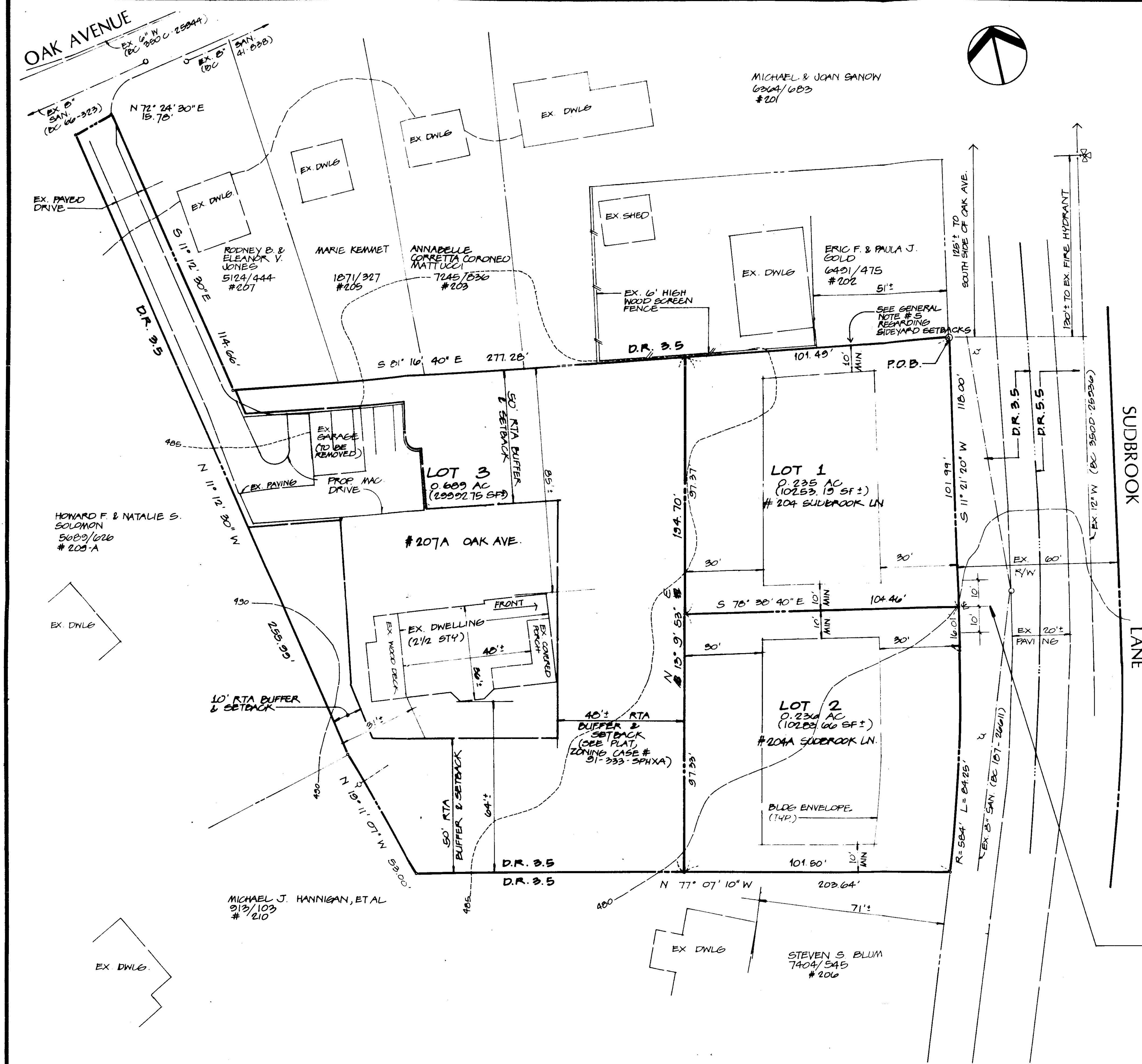
WHEREAS, the Association is a community association representing residents in the area of Baltimore County, Maryland known as Pikesville;

WHEREAS, a portion of the Property is improved with a single family detached dwelling (hereinafter called the "Existing Structure") and the Owner desires that this Existing Structure be permitted to be occupied by 9 elderly residents and staff persons to provide services for them;

WHEREAS, the Club and the Association have opposed the Owner's petition for zoning approval;







SOIL TYPES & LIMITATIONS

SOIL SERIES: LHD
 LEAD: LHD
 (URBAN LAND COMPLEX)
 HYDRO CLASS: C
 BULDS W/ BASEMENTS: SLIGHT
 BULDS W/OUT BASEMENTS: SLIGHT
 PARKING: MODERATE - SLOPE

PETITIONER'S EXHIBIT 1/01

- GENERAL NOTES**
- TOPOGRAPHY SHOWN ON THIS PLAN TAKEN FROM BALTIMORE COUNTY 200' SCALE TOPOGRAPHIC MAPS.
 - PROPERTY OUTLINE PREPARED BY VITTI, ROBEL & ASSOCIATES, INC., DATED 2/26/92.
 - THERE ARE NO EXISTING STREAMS, WETLANDS, CRITICAL AREAS OR 100 YEAR FLOODPLAINS/FLOOD AREAS ON SITE.
 - STORMWATER MANAGEMENT IS NOT REQUIRED.
 - SUM OF SIDEYARD SETBACKS TO BE A MINIMUM OF 25 FEET.

ZONING HISTORY CASE NO. 91-333-SPHXA

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of October, 1991 that the Petition for Special Exception to use the subject property as an assisted living facility for nine (9) beds, pursuant to Section 432.1A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), and to permit a modification of the Residential Transition Area (RTA) buffer and setback requirements, which are provided to the extent possible, pursuant to Section 432.4 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions listed below; and,

IT IS FURTHER ORDERED that the Petition for Variance from Sections 301.1 and 1802.2.B of the B.C.Z.R. and from Section V.B.2 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit an existing open projection (deck) on the rear of the existing building with a rear yard setback of 10 feet in lieu of the minimum required 22.5 feet, and from Section 1802.2.B of the B.C.Z.R. and Section V.B.2 of the C.M.D.P. to permit a rear yard setback of 25 feet in lieu of the required 30 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

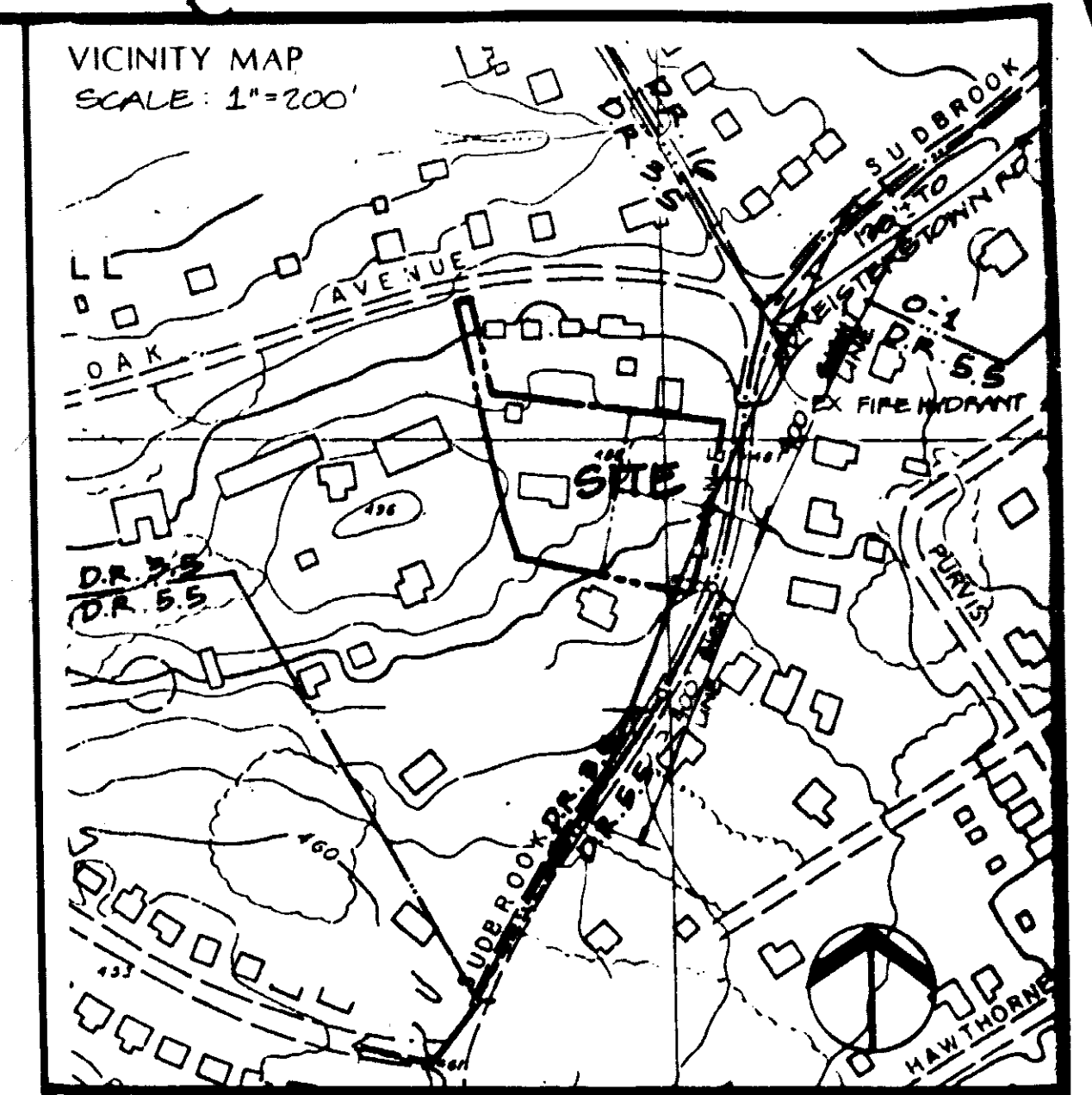
- The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Prior to the issuance of any permits, Petitioners shall submit a Landscaping plan for approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. A copy of the approved plan shall be submitted to the Zoning Commissioner's Office for final review and inclusion in the case file.
- The agreement and declaration of covenants entered into between the Petitioners and the Pikesville Township Association, Inc. and the Sudbrook Club, Inc. shall be incorporated into this Order and enforceable as a part of this Order.
- The relief granted herein is limited to the Petitioners operating an assisted living facility for up to and including nine (9) beds only. Petitioners agree and consent to allow a representative of the Zoning Enforcement Division of Baltimore County to enter the premises and perform an inspection regarding the total number of residents living at this facility.
- In the event the Petitioners, their heirs, their successors or assigns, or any future transferee of the property located adjacent to Sudbrook Lane containing 21,234 sq. ft. more or less, and specifically marked "not part of the special exception" on Petitioner's Exhibit 1, shall construct single family dwellings on this parcel, there shall be no operation whatsoever of any elderly housing facility on this parcel. This would also include an alternate living unit, or any other type of institutional use.
- When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Special Hearing in the above-captioned matter be and the same is hereby DISMISSED without prejudice.

COMMON ACCESS TO LOTS 1 & 2

OWNER/APPLICANT

GARY G. & ILLIENE WAITT
 3415 FALLSTAFF RD.
 BALTIMORE, MD 21215
 (410) 358-6322
 DEED REF: B443/473
 TAX ACCT. NO.: 03-19-085644



SITE DATA

GROSS ACREAGE	1.131 AC. (57063.6 SF)
NET ACREAGE	1.116 AC. (56529.6 SF)
LOT 1 ACREAGE	0.235 AC. (10253.15 SF)
LOT 2 ACREAGE	0.236 AC. (10283.66 SF)
LOT 3 ACREAGE	0.609 AC. (26592.75 SF)
EXISTING ZONING	D.R. 3.5
ADJACENT ZONING	D.R. 3.5
EXISTING USE	ASSISTED LIVING FACILITY - 9 BEDS
PROPOSED USE	ASSISTED LIVING FACILITY - 9 BEDS & SINGLE FAMILY RESIDENTIAL

* ZONING CASE NO.: 91-333-SPHXA

PLAT TO ACCOMPANY PETITION FOR VARIANCE

OUR HOUSE AT SUDBROOK
 204 SUDBROOK LANE

27

COUNCILMANIC DISTRICT NO. 2
 ELECTION DISTRICT NO. 3
 BALTIMORE COUNTY, MD.

	REVISIONS:	SCALE: 1"=20'
	DATE: 6/20/92	JOB NO.: 129/02
	DESIGNED: TJH	DRAWN: JAJ
	CHECKED: TJH	DRAWING NUMBER: SP-1
HOFF & ANTONUCCI ASSOCIATES Land Development Consultants and Landscape Architects 1717 York Road • Suite 18 • Lutherville, MD 21093 301-628-9225 • Fax 301-628-9229		SHEET 1 of 1

OAK AVENUE

EX. 6" SAN (PC 60-323)
EX. 6" SAN (PC 2800-25844)

EX. PAVED DRIVE

RODNEY P. & ELEANOR V. JONES
5124/444
#207

MARIE KEMMET
1071/327
#205

ANNAPOLIS CORRETTA CORONED MATTECCI
7245/636
#203

ERIC F. & PAULA J. GOLD
6401/475
#202

HOWARD F. & NATALIE S. GOLDMAN
5083/020
#208-A

EX. DWLG

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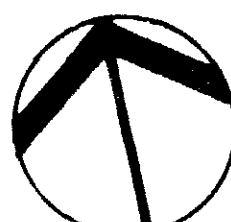
EX. DWLG

EX. DWLG

EX. DWLG

EX. DWLG

EX. DWLG



MICHAEL & JOAN SANDOZ
6204A/603
#201

ERIC F. & PAULA J. GOLD
6401/475
#202

LOT 1
0.235 AC
(10253.13 SF)
#204 SUDBROOK LN.

LOT 2
0.234 AC
(10203.40 SF)
#204A SUDBROOK LN.

STEVEN S. BLUM
7404/545
#206

SUDBROOK LANE

LANE

GENERAL NOTES

1. TOPOGRAPHY SHOWN ON THIS PLAN TAKEN FROM BALTIMORE COUNTY 200' SCALE TOPOGRAPHIC MAPS.
2. PROPERTY OUTLINE PREPARED BY VITT ROBEL & ASSOCIATES, INC., DATED 2/26/92.
3. THERE ARE NO EXISTING STREAMS, WETLANDS, CRITICAL AREAS OR 100 YEAR FLOODPLAINS/FLOOD AREAS ON SITE.
4. STORMWATER MANAGEMENT IS NOT REQUIRED.
5. SUM OF SIDEYARD SETBACKS TO BE A MINIMUM OF 25 FEET.

ZONING HISTORY CASE NO. 91-333-SPHXA

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of October, 1991 that the Petition for Special Exception to use the subject property as an assisted living facility for nine (9) beds, pursuant to Section 432.1.A. of the Baltimore County Zoning Regulations (B.C.Z.R.), and to permit a modification of the Residential Transition Area (RTA) buffer and setback requirements, which are provided to the extent possible, pursuant to Section 432.4 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions listed below, and:

IT IS FURTHER ORDERED that the Petition for Variance from Sections 301.1 and 1802.2.B of the B.C.Z.R. and from Section V.B.2 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit an existing open projection (deck) on the rear of the existing building with a rear yard setback of 10 feet in lieu of the minimum required 22.5 feet, and from Section 1802.2.B of the B.C.Z.R. and Section V.B.2 of the C.M.D.P. to permit a rear yard setback of 25 feet in lieu of the required 30 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to the issuance of any permits, Petitioners shall submit a landscaping plan for approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. A copy of the approved plan shall be submitted to the Zoning Commissioner's Office for final review and inclusion in the case file.
- 3) The agreement and declaration of covenants entered into between the Petitioners and the Fikesville Township Association, Inc. and the Sudbrook Club, Inc. shall be incorporated into this Order and enforceable as a part of this Order.
- 4) The relief granted herein is limited to the Petitioners operating an assisted living facility for up to and including nine (9) beds only. Petitioners agree and consent to allow a representative of the Zoning Enforcement Division of Baltimore County to enter the premises and perform an inspection regarding the total number of residents living at this facility.
- 5) In the event the Petitioners, their heirs, their successors or assigns, or any future transferee of the property located adjacent to Sudbrook Lane containing 21,234 sq. ft. more or less, and specifically marked "not part of the special exception" on Petitioner's Exhibit 1, shall construct single family dwellings on this parcel, there shall be no operation whatsoever of any elderly housing facility on this parcel. This would also include an alternate living unit, or any other type of institutional use.
- 6) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Special Hearing in the above-captioned matter be and the same is hereby DISMISSED without prejudice.

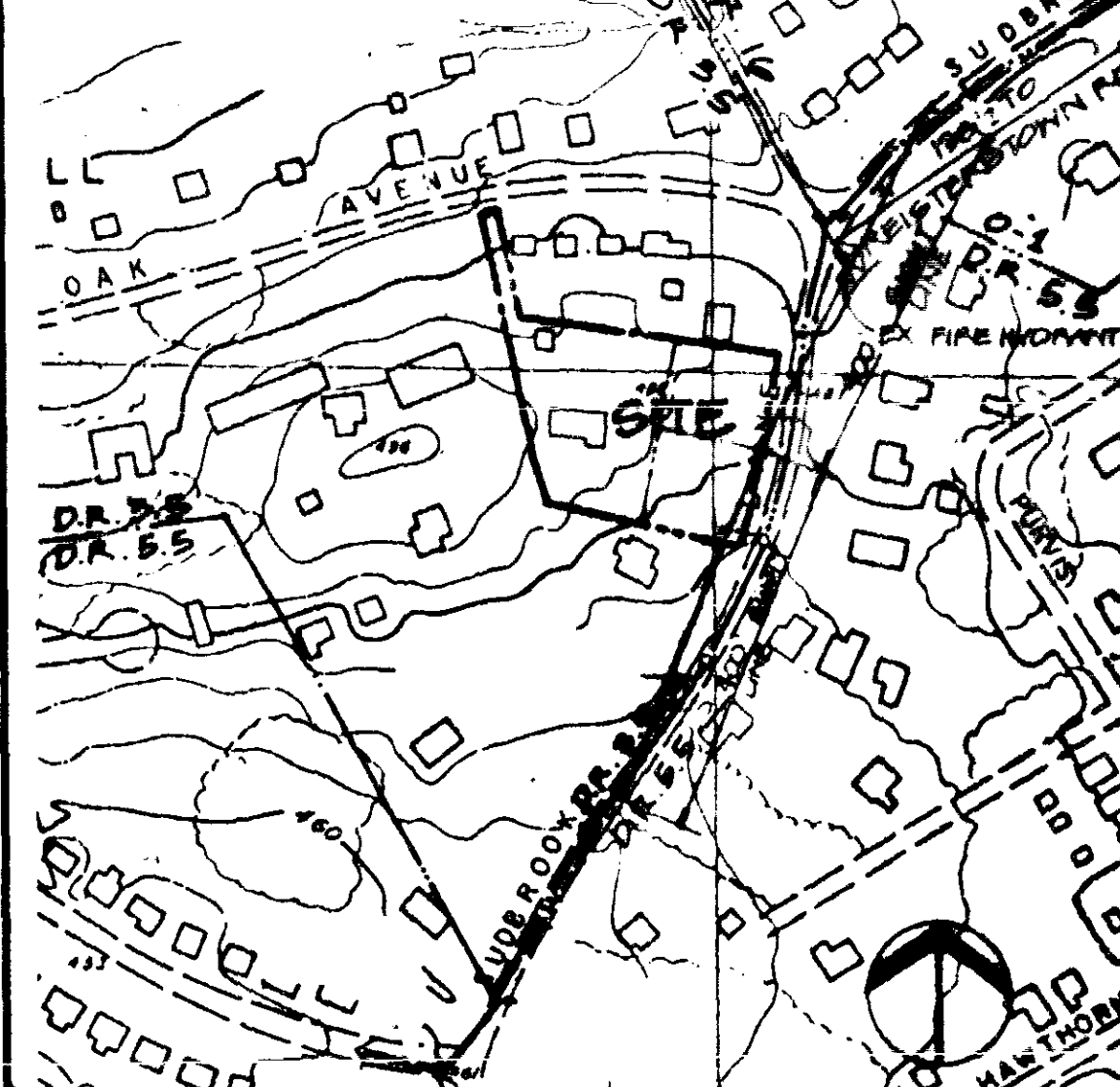
COMMON ACCESS TO LOTS 1 & 2

OWNER/APPLICANT

GARY G. & ELLEN WAITT
3415 FALLSTAFF RD.
BALTIMORE, MD 21215
(410) 350-6320
DEED REF: B443/4
TAX ACCT NO: 03-085644

VICINITY MAP

SCALE: 1"=200'



SITE DATA

GROSS ACREAGE: 1.31 AC. (57063.6 SF)
NET ACREAGE: 1.16 AC. (50529.6 SF)
LOT 1 ACREAGE: 0.235 AC. (10253.13 SF)
LOT 2 ACREAGE: 0.236 AC. (10283.66 SF)
LOT 3 ACREAGE: 0.689 AC. (29992.75 SF)
EXISTING ZONING: D.R. 3.5
ADJACENT ZONING: D.R. 3.5
EXISTING USE: ASSISTED LIVING FACILITY - 9 BEDS
PROPOSED USE: ASSISTED LIVING FACILITY - 9 BEDS & SINGLE FAMILY RESIDENTIAL

* ZONING CASE NO. 91-333-SPHXA

PLAT TO ACCOMPANY PETITION FOR VARIANCE

OUR HOUSE AT SUDBROOK

204 SUDBROOK LANE

COUNCILMANIC DISTRICT NO. 2
ELECTION DISTRICT NO. 3
BALTIMORE COUNTY, MD.

REVISIONS

SCALE: 1"=20'
DATE: 6/20/92
JOB NO: 123/02
DESIGNED: TJH
DRAWN: JAJ
CHECKED: TJH

DRAWING NUMBER

SP-1

HOFF & ANTONUCCI ASSOCIATES
1717 North Road • Suite 18 • Lutherville, MD 21093
301-628-9225 • Fax 301-628-9229

SHEET 1 OF 1

REV. 1/91

SOIL TYPES & LIMITATIONS

SOIL SERIES
LEGEND: LHD
(URBAN LAND COMPLEX)
HYDRO CLASS: C
BLDG. W/ BASEMENTS: SLIGHT
BLDG. W/OUT BASEMENTS: SLIGHT
PARKING: MODERATE - SLOPE

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